

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JAMES E. DAVIS AND FRANCOIS KOHLMANN,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED

PLAINTIFFS

vs.

CAUSE NO. 3:11-CV-093-MPM-SAA

ACA FINANCIAL GUARANTY
CORPORATION, and
JOHN DOES One through Ten

DEFENDANTS.

**DEFENDANT ACA FINANCIAL GUARANTY
CORPORATION'S UNOPPOSED MOTION TO AMEND
CASE MANAGEMENT ORDER**

Defendant, ACA Financial Guaranty Corporation ("ACA") moves to amend the Case Management Order entered June 24, 2012. In support of its Motion, ACA states as follows:

1. The current Case Management Order was entered prior to the parties filing of the following motions:
 - a. Motion to Stay by ACA Financial Guaranty Corporation filed 11/12/12 [doc no. 74];
 - b. Motion to Dismiss and to Stay all Class Certification Proceedings by ACA Financial Guaranty Corporation filed December 3, 2012 [doc no. 77]; and
 - c. Second Motion to Certify Class or In the Alternative Leave to Join Additional Plaintiffs by all Plaintiffs filed December 3, 2012 [doc no. 80].
2. These motions were fully briefed by January 11, 2013.
3. The Court deferred ruling on the pending motion to dismiss because of a companion case in the pending in the Supreme Court of New York, *Oppenheimer v. ACA*.

4. On May 5, 2013, this Court denied ACA's Motion to Dismiss and Plaintiff's Motion to Certify Class. [doc. no. 89].

5. The parties have put discovery and other activity of the case on hold because of the pending motions.

6. Following the Court's May 5, 2013 Order, the parties have conferred and agreed that an extension of the prevailing deadlines is necessary in order to proceed with this litigation. The parties request the Court to hold another scheduling conference and to enter an Amended Case Management Order with new dates and deadlines. At the Court's convenience, counsel for the parties can be available for a telephonic conference to discuss amending the Case Management Order.

7. The relief requested herein will not prejudice either party and is made in good faith and not for the purposes of delay or harassment. Counsel for ACA has consulted with counsel for Plaintiff, and Plaintiff does not oppose the requested relief.

8. Because this joint motion is self-explanatory, ACA requests the Court to waive the requirement to file a supporting memorandum.

WHEREFORE, Defendant ACA Financial Guaranty Corporation, without opposition from Plaintiff, moves this Court to amend the case management order entered June 24, 2012.

RESPECTFULLY SUBMITTED, this the 20 day of May, 2013.

/s/Erin Saltaformaggio

David W. Clark (MBN 6112)
Erin Saltaformaggio (MBN 103999)
BRADLEY ARANT BOULT CUMMINGS LLP
One Jackson Place, 188 E. Capitol Street,
Suite 400
Jackson, Mississippi 39201
Tel.: (601) 948-8000 Fac.: (601) 948-3000
Attorneys for Defendant ACA Financial Guaranty Corporation

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will deliver copies to all counsel of record.

/s/ Erin Saltaformaggio
OF COUNSEL